

Message Text

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PAGE 01 GENEVA 04261 101143Z

45

ACTION L-03

INFO OCT-01 IO-13 ADP-00 SCI-06 AF-10 ARA-16 EA-11 EUR-25

NEA-10 RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00

PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15

USIA-15 ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00

FMC-04 INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 CEQ-02

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SUBJECT: LOS: SUBCOMITE III, WG 3 (SCIENTIFIC RESEARCH)

7 AUG

1. WG3 SCIII (SR) CONTINUED DISCUSSION OF UNTITLED ITEM 1.3 (FORMERLY: CONSENT, PARTICIPATION AND OBLIGATIONS OF COASTAL STATES). PAKISTAN ANNOUNCED SUPPORT OF PROPOSALS CITING COASTAL STATE (CS) RIGHTS IN AREAS OF NATIONAL JURISDICTION (NJ). PAK DELOFF REJECTED US ART. 7 ON NOTIFICATION IN FAVOR OF PRIOR CONSENT. FOLLOWING CONSENT COASTAL STATE SHOULD HAVE UNQUALIFIED FREE ACCESS TO PLANNING, EXECUTION AND RESULTS OF SR AND RIGHT TO WITHHOLD PUBLICATION OF DATA AND POSSESSION OF SOME SAMPLES. PERIODIC REVIEW OF WORK SHOULD BE MADE TO ENSURE ANY REMEDIAL ACTION MAY BE TAKEN TO CORRECT ABUSES BEFORE STATE WITHDRAWS CONSENT.

2. EGYPT STATED COASTAL STATE HAS EXCLUSIVE RIGHT TO UNDERTAKE AND REGULATE SR IN AREAS OF NATIONAL JURISDICTION. NOTIFICATION UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 04261 101143Z

IS NOT CONSENT, CONSENT MAY BE WITHDRAWN, AND DATA MAY BE

PUBLISHED ONLY BY PERMISSION OF COASTAL STATE.

3. CHINA ANNOUNCED FULL AGREEMENT WITH PAKISTAN AND EGYPT AND STATED RESULTS OF SR SERVE MANY FIELDS AND THEREFORE SHOULD BE SUBJECT TO APPROPRIATE CONTROL. PRC INTRODUCED 3 FORMAL ARTICLES BASED ON THEIR WORKING PAPER (L.42):

(A) TO CONDUCT MSR WITHIN AREA OF NJ OF CS, CONSENT OF THE CS SHALL BE SOUGHT AND RELEVANT LAWS AND REGULATIONS OF CS SHALL BE OBSERVED;

(B) CS IS ENTITLED TO TAKE PART IN SR WORK CONDUCTED BY OTHER STATES WITHIN AREAS OF NJ AND TO RECEIVE DATA AND RESULTS OBTAINED FROM SUCH WORK. PUBLICATION OF DATA IS SUBJECT TO CONSENT OF CS CONCERNED;

(C) MSR IN INTERNATIONAL AREA SHALL BE CONSISTENT WITH SPIRIT OF DECLARATION OF PRINCIPLES. IT SHALL BE CONDUCTED FOR PEACEFUL PURPOSES AND GOVERNED BY INTERNATIONAL REGIME AND MACHINERY TO BE ESTABLISHED.

4. CHAIRMAN ANNOUNCED CONCLUSION OF DEBATE ON THIS ITEM AND TEXTS SUBMITTED TO DRAFTING GROUP. WG ADJOURNED AND DRAFTING GROUP CONVENED TO DISCUSS ITEM 1.2. TEXTS FROM 2 AUG SESSION ADDED TO THOSE UNDER CONSIDERATION:

(A) ALL STATES, IRRESPECTIVE OF GEOGRAPHIC LOCATION, INDIVIDUALLY OR IN COOPERATION WITH EACH OTHER, AS WELL AS APPROPRIATE INTERNATIONAL ORGANIZATIONS SHALL HAVE THE RIGHT TO UNDERTAKE SR IN THE MARINE ENVIRONMENT AS PROVIDED FOR IN THIS CONVENTION; AND

(B) ALL STATES SHALL UNDERTAKE TO COOPERATE IN THE PROMOTION OF MARINE SR IN AN ORDERLY AND RATIONAL MANNER FOR THE BENEFIT OF MANKIND TAKING INTO PARTICULAR CONSIDERATION THE INTERESTS AND NEEDS OF THE DEVELOPING COUNTRIES IN ACCORDANCE WITH THE PROVISIONS OF THIS CONVENTION.

5. CANADA SUBMITTED: "ALL STATES . . . MAY ENGAGE IN MARINE SR AND SHOULD COOPERATE IN THE PROMOTION OF SUCH RESEARCH IN THE MARINE ENVIRONMENT IN ACCORDANCE WITH THE PROVISIONS OF THIS UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 04261 101143Z

CONVENTION."

6. US (WULF) INDICATED SUPPORT FOR 4(A) ABOVE BUT STATED LACK OF PRECISION IN TERM "ORDERLY AND RATIONAL MANNER" IN 4(B) ABOVE MAKES IT INFERIOR TO FIRST SENTENCE OF US DRAFT. SOVS SUGGESTED REDUCING TEXTS TO 3 BASED ON BASIC DIFFERENCES:

(A) "RIGHT TO UNDERTAKE"; (B) "MAY ENGAGE IN" OR "MAY

UNDERTAKE" AND (C) "RIGHT OF FREEDOM TO UNDERTAKE."

7. TURKEY PROPOSED COMPROMISE: "ALL STATES . . . HAVE THE RIGHT TO CONDUCT SR IN THE MARINE ENVIRONMENT IN ACCORDANCE WITH THE PROVISIONS OF THIS CONVENTION." SOVS INDICATED PROVISIONAL ACCEPTANCE OF THIS IF ALL OTHERS ACCEPTED IT AND (BEGIN BRACKETS) OF FREEDOM(END BRACKETS) INSERTED AFTER "RIGHT". UK STATED ACCEPTANCE AND SUGGESTED ADDING "AND THE RULES OF INTERNATIONAL LAW" AFTER "CONVENTION". US, FRANCE AND MEXICO ALSO SUPPORTED TEXT.

8. CANADA STATED TEXT UNACCEPTABLE AND INSISTED ON "MAY ENGAGE IN" OR "MAY CONDUCT". PERU, BRAZIL AND ARGENTINA CONTINUED TO RESIST, FORMULATION OF RIGHTS TO CONDUCT SR IN THE MARINE ENVIRONMENT AND INSISTED ON MENTION OF COASTAL STATE RIGHTS. CHAIRMAN ADJOURNED DRAFTING GROUP TO ALLOW INFORMAL CONSULTATIONS BEFORE NEXT MEETING ON 8 AUG.BASSIN

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